

Mar 27 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. District Court
Western District of N.C.

UNITED STATES OF AMERICA) DOCKET NO.: 3:25-cr-69-FDW
)
 v.) FACTUAL BASIS
)
 DANIEL JOSEPH BROADWAY)
)

NOW COMES the United States of America, by and through Russ Ferguson, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about December 12, 2023, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant, Daniel Joseph Broadway, did knowingly possess, and access with intent to view, any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and that had been mailed, and shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) & (b)(2).

2. Continuing on or about December 12, 2023, in Mecklenburg County, within the

Western District of North Carolina and elsewhere, the defendant, Daniel Joseph Broadway, did knowingly possess a visual depiction of any kind that depicts a prepubescent minor and a minor who had not attained 12 years of age engaging in sexually explicit conduct and that is obscene, and which has been shipped and transported in interstate and foreign commerce by any means, including by computer, and was produced using materials that have been mailed, and that have been shipped and transported in interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 1466A(b)(1) and (d)(4).

3. More specifically, on or about December 12, 2023, Charlotte Mecklenburg Police Department ("CMPD") obtained a search warrant for Broadway's residence in Charlotte, North Carolina.

4. CMPD seized 9 electronic devices used by Broadway that contained images and videos, some generated by artificial intelligence and some not, of child pornography, as that term is defined in 18 U.S.C. § 2256(8) ("Non-AI CSAM"), and that are obscene, as that term is used in 18 U.S.C. § 1466A(b)(1)(B) ("AI CSAM").

5. The 9 devices were made outside of North Carolina and therefore had been shipped and transported in interstate and foreign commerce.

6. CMPD also obtained a search warrant for Broadway's Gmail account associated with the email, kewperdewd@gmail.com.

7. In total, which includes the content in Broadway's 9 electronic devices and his Gmail account for kewperdewd@gmail.com, Broadway was in possession of 8,661 images (3,529 unique) and 2 videos (1 unique) of Non-AI CSAM.

8. An example of Non-AI CSAM and the device containing the content are provided below:

- a. Item 10: Gray HP Desktop (1TB SSD)
 - i. Filename: [redacted]3_136.jpg
 - ii. Description: This image appears to depict a prepubescent female wearing only silver high heel shoes seated on a stool. The female's legs are spread exposing her vagina.

9. Additionally, Broadway was in possession of 30,292 images (28,045 unique) and 32 videos (10 unique) of AI CSAM. Two examples are provided below:

- a. Item 18: Black Minix Mini Computer (2 SD cards):
 - i. Filename: [redacted]69703.png
 - ii. Description: Depicts an AI generated image of a prepubescent Caucasian female, approximately 7 years old, appears to be sitting on a mattress on the floor, her legs are spread, a portion of her vagina is

visible, and she appears to be pregnant with her right hand resting on her stomach, and a third leg appears to be coming out of her hip.

- b. Gmail account for email address kewperdewd@gmail.com:
 - i. Filename: [redacted]180509.jpeg
 - ii. Description: depicts a cartoon-style image of a nude prepubescent female, approximately 7 years old, sitting on the lap of a nude adult Caucasian male on a bed, and they are engaged in vaginal intercourse.

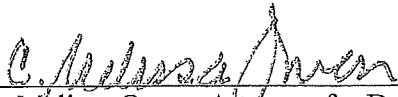
RUSS FERGUSON
UNITED STATES ATTORNEY



DANIEL CERVANTES
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



C. Melissa Owen, Attorney for Defendant

DATED: 3-25-25